

REGULATIONS GOVERNING CERTIFICATION
FOR PROFESSIONAL ART THERAPISTS

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I. GENERAL

1-1. Purpose:

The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to perform art therapy. Further, in order to insure the highest degree of professional conduct by those engaged in the performance of art therapy, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in this chapter.

1-2. Legal Authority:

The State Board of Health is authorized to establish and enforce these rules and procedures by virtue of Chapter 73-65-1 et seq of the Mississippi Code 1972 Annotated.

1-3. Definitions:

The following terms shall have the meaning set forth below, unless the context otherwise requires:

- (a) "Board" shall mean the Mississippi State Board of Health.
- (b) "Council" shall mean the Professional Art Therapists Advisory Council.
- (c) "Certified professional art therapist" means a person who has completed a master's or doctoral degree program in art therapy, or an equivalent course of study, from an accredited educational institution and who is certified by the Board, or who received registration from the American Art Therapy Association (ATR) before 1980.
- (d) "Certificate holder" means a certified professional art therapist certified under the provisions of this act.
- (e) "Accredited institution" means a university or college accredited by a nationally recognized accrediting agency of institutions of higher education, or an institution or clinical program approved by the American Art Therapy Association, Inc.
- (f) "Department" shall mean the Mississippi State Department of

Health.

(g) "Act" shall mean Chapter 73-65-1 et seq of the Mississippi Code 1972 Annotated.

1-4. Publication:

The Department shall publish, annually, a list of the names and addresses of all persons certified by the Board as Professional Art Therapists, and a list of all persons whose certification has been suspended, revoked, denied renewal, put on probationary status, censured or reprimanded.

II. PROFESSIONAL ART THERAPISTS ADVISORY COUNCIL ("COUNCIL")

2-1. Council Structure and Purpose:

The Council shall consist of five (5) members as set forth in the Act, for the terms indicated therein, and shall serve under the jurisdiction of the Board. The purpose of the Council is to serve in an advisory capacity to the Board in matters relating to the administration and interpretation of provisions of the Act.

2-2. Meeting:

The Council shall meet at least twice annually. A chairman and a secretary shall be elected at the first meeting of the year. Additional meetings may be called at the discretion of the chairman, upon written request of two (2) members of the Council. A quorum shall consist of three (3) members of the Council, including the chairman, and shall be necessary for the Council to take action by vote.

III. STATE BOARD OF HEALTH ("BOARD")

3-1. Responsibilities:

The Board shall:

- (a) establish examination, certification, and renewal of certification criteria for applicants;
- (b) maintain an up-to-date list of all individuals certified as Professional Art Therapists, with such list being available, upon request, to the public;
- (c) refer disciplinary actions of any individual engaged in art therapy to the appropriate government agency for prosecution, whether certified or otherwise, or in its discretion, refer same to the appropriate committee or council;
- (d) conduct disciplinary hearings, upon specified charges;
- (e) maintain an up-to-date list of all individuals whose certification has been suspended, revoked, or denied, and make such list available to public inspection, and shall supply such list to similar regulatory boards in other states or jurisdictions;
- (f) keep a record of all proceedings of the Board, and make said record available to the public;
- (g) delegate, authorize, and direct the Department to promulgate regulations to accomplish the purpose of the Act.

IV. CERTIFICATION

4-1. Certification Requirements:

An applicant for certification shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant:

- (a) is at least twenty-one (21) years of age;
- (b) has passed an examination as administered by the Art Therapy Credentials Board, Inc., or other examination approved by the Department;
- (c) is registered as an art therapist by the Art Therapy Credentials Board, Inc.;
- (d) is certified as an art therapist by the Art Therapy Credentials Board, Inc.; and,
- (e) has been awarded a master's degree or doctoral degree in art therapy that includes six hundred (600) hours of supervised internship experience from an accredited institution and has completed an additional one thousand (1000) client contact hours of postgraduate experience under appropriate supervision; or,
- (f) has been awarded a master's degree or doctoral degree in a related field, has a minimum of twenty-one (21) semester hours of sequential course work in the history, theory, and practice of art therapy, has completed seven hundred (700) hours of supervised internship experience from an accredited institution, and has completed an additional two thousand (2000) client contact hours of postgraduate experience under appropriate supervision.

The Department will review the credentials of an individual awarded a master's degree or doctoral degree from a non-accredited institution on a case-by-case basis.

4-2. Certified By Endorsement:

An applicant for certification shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that:

- (a) the applicant holds a valid regulatory document issued by the appropriate examining board under the laws of any other state or territory of the United States, the District of Columbia, or any foreign nation;
- (b) the requirements for said document are substantially equivalent to, or exceed, the requirements as set forth in section 4-1 of these regulations; and,
- (c) said document is in good standing, and is not, presently suspended or revoked.

4-3. Grandfather Clause:

An applicant for certification as a professional art therapist may be certified without examination if the applicant files a completed application within one (1) year of the effective date of this act if the Board determines that the applicant meets all other requirements for certification as a professional art therapist.

4-4. Provisional Certification:

The Board may, in its discretion, issue a provisional certificate to an applicant at least 21 years of age, pending the completion of the requirements for certification, providing the applicant submits to the Department, verified by oath, in form and content satisfactory to the Department that the applicant:

- (a) has completed the education requirements in section 4-1 of these regulations; and,
- (b) is fulfilling the client contact hours of postgraduate experience under appropriate supervision; and,
- (c) will be supervised according to section 4-5 of the regulations; and,
- (d) has not taken the examination recognized by the Department or received registration from the Art Therapy Credentials Board, Inc.
- (e) In its discretion, and upon application, the Board may renew a provisional certificate. A provisional certificate may not be renewed more than two (2) times. Proof, satisfactory to the Department, that the provisional certificate holder has been in the process of meeting the certification requirements must be submitted at the time of renewal.

4-5. Conditions of a Provisional Certificate

- (a) Documentation in form and substance satisfactory to the Department that the conditions of section 4-5(b)(c) of the regulations have been met must be on file with the Department before a provisional certification will be issued.
- (b) A provisional certificate holder may only practice under the supervision of the individual certified as a professional art therapist in Mississippi who is the listed supervisor on file with the Department.
- (c) A provisional certificate holder must be supervised one (1) hour for every ten (10) hours of face-to-face client contact.
- (d) A provisional certificate holder shall restrict his practice to the State of Mississippi.
- (e) Only an individual issued a regular certificate by the Department may supervise a provisional certificate holder.
- (f) The provisional certificate holder must take the first examination following completion of the client contact hours of postgraduate experience.

Notice of Termination:

The supervisor shall notify the Department in writing of the termination of the supervisory relationship with a provisional certificate holder. The notice shall include the effective date of the termination and must be filed with the Department or postmarked no later than three (3) calendar days from the date of termination.

4-6. Retirement of Certification

- (a) A certificate holder shall notify the Department in writing of an intent to retire as a certified professional art therapist prior to the expiration date of his current certification.
- (b) Renewal/reinstatement of Certification
 - (a) The certificate holder shall request a renewal/reinstatement application from the Department in writing within five (5) years of the year of retirement.

- (2) The certificate holder shall submit the renewal/reinstatement application, all lapsed certificate renewal fees, and the continuing education requirement to the Department for review.

4-7. Abandonment:

An application shall be deemed abandoned by the Department if, after six (6) months from the date of filing, the requirements for certification have not been completed and filed with the Department.

V. PROFESSIONAL IDENTIFICATION

5-1. Titles and Abbreviation:

No person shall use the title "certified professional art therapist" or hold himself out as having this status, unless he is certified as such by the Board.

5-2. Production and Display of Certificate:

A person issued a certificate as a "Certified Professional Art Therapist" by the Mississippi State Board of Health shall display said certificate in the professional setting and shall carry the Licensure Identification Card at all times when practicing as a "Certified Professional Art Therapist".

VI. RENEWAL OF CERTIFICATION

6-1. General Provisions:

- (a) The Board shall issue certification which shall be renewed biennially.
- (b) The certification period shall be construed as January 1 through December 31 of odd numbered years.

6-2. Procedure for Renewal of Certification

The Department shall mail a renewal form, approximately sixty (60) days prior to the expiration date, to the last home address registered with the Department, to the persons to whom certification was issued or renewed during the preceding certification period. The applicant for renewal shall:

- (a) complete the renewal form, and
- (b) submit proof of continuing education credit as detailed in Section VII of these regulations, and
- (c) enclose the renewal fee, and
- (d) file the above with the Department prior to the date of expiration of the certificate.

6-3. Failure to Renew:

(a) Late Renewal

Certificate holders are allowed a ninety (90) day grace period for the late renewal of certification following expiration of the certification period. The applicant for late renewal during this period shall:

- (1) complete the renewal form; and,
- (2) submit proof of continuing education credit as detailed in Section VII of these regulations; and,
- (3) enclose the renewal fee and the late renewal fee; and,
- (4) file the above with the Department prior to the end of the grace period.

(b) Suspension

A certificate is automatically suspended if the certificate holder does not renew his certification prior to the end of the grace period.

(c) Reinstatement

The Department may reinstate a certification if the late renewal requirements and the reinstatement fee are filed with the Department within ninety (90) days of the date of suspension. A certificate is automatically revoked if it is not reinstated within the ninety (90) day period following suspension.

VII. CONTINUING EDUCATION

7-1. Definition and philosophy:

Each individual certified by the Board is responsible for maintaining high levels of skill and knowledge. Continuing education is defined as education beyond the basic preparation required for certification and related to the performance of art therapy.

7-2. Requirements:

- (a) Regulations set the requirement of forty (40) clock hours to be accrued during the certification term for certificate holders who are not certified and in good standing with the Art Therapy Credentials Board, Inc.
- (b) Certificate holders certified and in good standing with the Art Therapy Credentials Board, Inc., may submit proof, in form and content satisfactory to the Department, of having met the continuing education requirements of the Art Therapy Credentials Board, Inc., in lieu of the provisions of this section.
- (c) Individuals applying for initial certification within a certification term must accrue continuing education hours on a prorated scale. Written notification of required hours will be sent to the applicant at the time of certification.
- (d) Individuals holding a provisional certificate must meet the same requirements as an individual applying for an initial certificate.
- (e) Persons who fail to accrue the required continuing education hours shall be issued a CE probationary certificate for the entire certification period. Failure to accrue the required hours during the CE probationary period will result in the revocation of the certification.

CE probationary certificates will be issued for one certification period only. No ensuing certificate may be CE probationary as a result of not meeting continuing education requirements.

NOTE: Reinstatement of a certificate revoked for failure to meet

continuing education requirements is subject to the discretion of the Department. If said certificate is permitted to be reinstated, the renewal fee and the late renewal/reinstatement fee as stated in Section XII of these regulations will be required.

7-3. Content Criteria:

The content must apply to the field of art therapy and performance and must be designed to meet one of the following goals:

- (a) Update knowledge and skills required for competent performance beyond entry level as described in current legislation and regulations.
- (b) Allow the licensee to enhance his knowledge and skills.
- (c) Provide opportunities for interdisciplinary learning.
- (d) Extend limits of professional capabilities and opportunities.
- (e) Facilitate personal contributions to the advancement of the profession.

7-4. Sources of Continuing Education:

Continuing education hours may be accrued from the following sources when the content of the programs relates to the profession of art therapy:

- (a) Attendance at programs sponsored or approved for continuing education by the following groups:
 - (1) The American Art Therapy Association (AATA).
 - (2) The Mississippi Art Therapy Association (MSATA) or AATA chapter of another state or the District of Columbia.
 - (3) Regulatory boards for art therapy in any jurisdiction in the United States.
 - (4) Regulatory boards governing the practices of social workers, licensed professional counselors, and marriage and family counselors.
 - (5) The National Association of Social Workers or its state affiliate members.
 - (6) The American Psychological Association or its state

affiliate and/or subsidiary members.

- (7) The American Medical Association or its state affiliate and/or subsidiary members.
- (8) The American Nursing Association or its state affiliate and/or subsidiary members.
- (b) Presentations, including posters, made before art therapists, medical practitioners, or other health related professionals and directly related to the profession of art therapy. To be considered for continuing education credit, material outline and a synopsis must be submitted to the Council at least sixty (60) days prior to the presentation date. Notice of approval or disapproval will be sent following a review by the Council. For approved presentations, the presenter may accrue one (1) hour of continuing education credit for each hour of the actual presentation, and one (1) hour of preparation time, for a total of (2) two hours. Presenter credit is given one (1) time only, even though the session may be presented multiple times. No more than 30% of total required hours may be accrued through presentations. Presentations approved by the MATA, whether prior to or subsequent to the presentation, will be accepted for continuing education credit.
- (c) Academic course work taken from a regionally accredited college or university, either for credit or audit. The courses must relate to the profession of art therapy. Courses in supporting fields must have prior approval of the Council. One academic semester hour shall be equivalent to fifteen (15) clock hours for continuing education credit. No more than fifty percent (50%) of total required hours may be accrued through academic course work.
- (d) Professional publications where the certificate holder is an author. To be considered for continuing education credit, a reprint of the published article must be submitted to the department. Notice of approval or disapproval will be sent out after review by the department. A maximum of 3 contact hours may be accrued through professional publication.

7-5. Reporting Procedures for Continuing Education:

Continuing education hours are reported on the application for certificate renewal during the certificate renewal period prior to its expiration. It is the responsibility of the licensee to insure that the following criteria are met with respect to continuing education credit:

- (a) Attendance at seminars, workshops, presentations, etc., approved by the organizations listed in section 7-4(a) are automatically accepted for credit unless sessions are duplicated. Verification of attendance may be made by the submission of a continuing education certificate, or a continuing education reporting form from the organization issuing continuing education hours and proof of approval.
- (b) Presentation credits: Submit a copy of the program listing the presentation and a copy of the prior letter of approval from the council.
- (c) Academic course work credits to be accrued must meet the content criteria in Sections 7-3, and must be accompanied by a course description from the college or university catalog and a copy of the transcript or final grade report.
- (d) Professional publication: Submit a copy of the letter of approval from the council.

VIII. REVOCATION, SUSPENSION, AND DENIAL OF CERTIFICATION

8-1. Standards of Conduct:

Individuals who are certified may, at the discretion of the Board, have their certification suspended, revoked, or denied if the Board determines that the individual is guilty of any of the following:

- (a) Is guilty of fraud or deceit in procuring or attempting to procure a certification or renewal of certification.
- (b) Is unfit or incompetent by reason of gross ignorance, negligence, habits or other causes of incompetency.
- (c) Is habitually intemperate in the use of alcoholic beverage.
- (d) Is convicted of an offense involving moral turpitude.
- (e) Is knowingly practicing while suffering with a contagious or infectious disease.
- (f) Is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics.
- (g) Is guilty of dishonest or unethical conduct.
- (h) Has represented himself as a certified professional art therapist after his certification has expired or has been suspended.
- (i) Has practiced as a certified art therapist under cover of any permit or license illegally or fraudulently obtained or issued.
- (j) Has violated or aided or abetted others in violation of any provision of law, or these regulations.
- (k) Has engaged in any conduct considered by the Board to be detrimental to the profession of art therapy.
- (l) Has violated the current code of ethics of the American Art Therapy Association.
- (m) Has had disciplinary action taken against the certificate holder's license, certificate, registration, etc., in another jurisdiction.

8-2. Summary Suspension:

The Board may summarily suspend certification without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Board determines that:

- (a) The health, safety, or welfare of the general public is in immediate danger; or
- (b) The individual's physical capacity to practice his profession is in issue; or
- (c) The individual's mental capacity to practice his profession is in issue.

8-3. Complaints:

All complaints concerning a certified individual, his business, or professional practice, shall be reviewed by the Department. Each complaint received shall be logged, recording at a minimum the following information:

- (a) name of individual certified;
- (b) name of the complaining party, if known;
- (c) date of complaint;
- (d) brief statement of complaint; and
- (e) disposition

8-4. Investigation:

All complaints will be investigated and evaluated by an authorized employee of the Department or a Council member designated by the Department.

8-5. Notice of Charges and Hearing:

Following the investigative process, the Department may file formal charges against the certified individual. Such formal complaint shall, at a minimum, inform the respondent of the facts which are the basis of the charge and which are specific enough to enable the respondent to defend against the charges.

Each respondent, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against him, shall be served notice of the formal charge at least thirty (30) days before

the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the respondent, or the notice was mailed certified, return receipt requested, to the respondent at his last known address as listed with the state agency.

The notice of the formal hearing shall consist at a minimum of the following information:

- (a) The time, place and date of hearing;
- (b) That the respondent shall appear personally at the hearing and may be represented by counsel;
- (c) That the respondent shall have the right to produce witnesses and evidence in his own behalf and shall have the right to cross-examine adverse witnesses and evidence;
- (d) That the hearing could result in disciplinary action being taken against the respondent's certification.
- (e) That rules for the conduct of these hearings exist and it may be in the respondent's best interest to obtain a copy; and
- (f) That the Board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the respondent.

The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the respondent. At the conclusion of the hearing, the Board shall issue an order within sixty (60) days.

Disposition of any complaints may be made by consent order or stipulation between the Board and the respondent.

All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to State law.

8-6. Board Sanctions:

The Board may impose any of the following sanctions, singly or in combination, when it finds that a respondent is guilty of any of the above offenses:

- (a) Revocation of the certification;

- (b) Suspension of the certification, for any period of time;
- (c) Censure the individual certified;
- (d) Issue a letter of reprimand to the individual certified;
- (e) Place a certification on probationary status and require the individual to submit to any of the following:
 - (1) report regularly to the board upon matters which are the basis of probation;
 - (2) continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or
 - (3) such other reasonable requirements or restrictions as are proper;
- (f) Refuse to renew a certification; or
- (g) Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

8-7. Appeal:

Any person aggrieved by a decision of the Board shall have a right of appeal as provided for in the Laws of the State of Mississippi.

IX. EXCEPTIONS AND EXEMPTIONS

9-1. Exceptions:

- (a) Nothing in these regulations is intended to limit, preclude or otherwise interfere with the practices of other persons and health providers licensed by appropriate agencies of the State of Mississippi.
- (b) Nothing in these regulations shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which the "activities professionals" at licensed nursing facilities hold themselves out to the public.

9-2. Good Samaritan Act:

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XI. CRIMINAL OFFENSES AND PUNISHMENT

11-1. Offenses:

It is a violation of the law for any person to:

- (a) Sell, fraudulently obtain or furnish any certificate of competence, or aid or abet therein.
- (b) Use the title, "Professional Certified Art Therapist" or any words letters, signs, symbols or devices to indicate the person using them has received a certificate of competence from the Mississippi State Department of Health.
- (c) Fail to notify the Board of the suspension, probation or revocation of any past or currently held licenses or certifications required to practice art therapy in this or any other jurisdiction.
- (d) Make false representations or impersonate or act as a proxy for another person or allow or aid any person to impersonate him in connection with any examination or application for certification or request to be examined or licensed.
- (e) Make a material, false statement in an application for certification, or in a response to any inquiry by the State Department of Health or the Board.
- (f) Otherwise violate any provisions of the Act, or regulations of the Board.

11-2. Punishment:

Such violations shall be a misdemeanor, and shall be punishable by a fine not to exceed Five Hundred Dollars, (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or by both.

XII. FEES

12-1.Method of Payment:

The following fees, where applicable, are payable to the State Board of Health by check, or money order. Fees paid to the State Board of Health are non-refundable.

12-2.Schedule of Fees:

(a)	Application and Initial Certification Fee.\$100.00
(b)	Renewal Fee\$ 75.00
(c)	Late Renewal Fee\$100.00
(d)	Reinstatement Fee.\$100.00
(e)	Verification Fee\$ 25.00
(f)	Duplicate Certificate Fee.\$ 25.00
(g)	Certificate Replacement Fee.\$ 25.00
(h)	ID Card Replacement Fee.\$ 10.00

12-3.Examination Fee

Fees for examination are to be paid directly to the appropriate testing organization.

XIII. ADMINISTRATIVE GRIEVANCE PROCEDURE

13-1. Administrative Appeals:

All persons aggrieved by a decision regarding the initial application for certification, or the renewal of certification, shall have the right of administrative appeal and a hearing to be conducted according to the rules of the Department of Health.

13-2. Notification:

Written notice will be provided to all applicants regarding denial of an original license or a renewal license. Such notice shall contain the reason thereof and shall offer the applicant an opportunity to submit additional information pertinent to their application for a second review by the Department.

13-3. Hearing:

If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the license should be granted or renewed.

Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the license in question, shall be forwarded to the State Health Officer. The State Health Officer shall decide what action will be taken on the recommendation within five days of its receipt. Written notice shall be provided to the applicant.

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OF
PROFESSIONAL ART THERAPISTS

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